

Subject: Re: CPRA request (DCBID.2019.12.30.a)

From: [REDACTED]

Date: 1/21/20, 3:20 PM

To: "Steph Bernstein" <sbernstein@downtownla.com>, "Suzanne Holley" <sholley@downtownla.com>

Hi Ms. Bernstein,

I have no doubt that you've been advised of all kinds of things, but the law requires you to allow me to use my own equipment to copy records unless the means of copying WOULD result in damage to records or unauthorized access to computer systems.

Note that "would" doesn't mean "might according to some random advice". "Would" doesn't mean "conceivably" or "in some possible world." Also, given that every time I've inspected electronic records in person at your BID you've given me a computer that's completely isolated from all other computers, it's not possible for any means of copying to allow any kind of access to your computer systems. And given that you've loaded copies of the records on this isolated computer rather than the original records it's not possible for any means of copying to damage records.

And furthermore, if your advisor is telling you the whole story you'll have been advised that giving anyone physical access to a computer is much riskier than allowing people to insert a USB drive into it, and yet you agree that the law requires that much. The fact that you allow more risky activity which doesn't facilitate copying and forbid less risky behavior that does facilitate copying supports the obvious conclusion that your goal is to make copying difficult rather than to protect the integrity of the BID's computer systems. This is against the law as well.

So please reconsider your stance on this. It's clear that the new law requires the BID to allow copying by USB drive if the BID allows inspectors physical access to a computer. Alternatively I believe it would suffice for you to put the records on a USB drive and allow me to inspect them using my own computer, which I am perfectly happy to do. As I said, the legislative history of the new law makes it clear that the legislature did not intend to restrict copying of electronic records to photography.

Perhaps it will take litigation to establish this beyond the capability of even the most obstructionist agency to deny it, but that's often the way with new laws. And if that's what it takes, I suppose that's what it will take. Please let me know your final decision by Wednesday, January 29.

Thanks,

[REDACTED]
On Tue, Jan 21, 2020, at 2:57 PM, Steph Bernstein wrote:

[REDACTED]
We have been advised that the use of unknown USB devices and/or unrestricted access to the internet via our computers, leaves our systems open to compromise by computer virus and malware. However, you are more than welcome to use a brand new, sealed, writable disc to copy responsive records. If you prefer, we can supply you with one of the